

## Robert Marks

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**From:** Robert Marks  
**Sent:** Thursday, March 29, 2007 9:14 PM  
**To:** BRUCE WAKUZAWA  
**Subject:** RE: Your call to GS

Bruce,

Last week, you told me I would hear from you today about your 3/28 discussion with your client. When can I expect a response from you on the open discovery items? I'd like to resolve this without a motion to compel, but we really need to move this along.

Thanks.

Bob

-----Original Message-----

From: BRUCE WAKUZAWA [mailto:BWAKUZAWA@ahfi.com]  
Sent: Wed 3/28/2007 9:18 AM  
To: Robert Marks  
Subject: Re: Your call to GS

Bob - I will follow up on your informational requests. However, to clarify, I didn't say I was calling "GS." Also, it's not a matter of my making non parties available. I said that I would try to check with them on your requests. Thanks, Bruce

>>> "Robert Marks" <ram@pohlhawaii.com> 03/28/2007 8:15 AM >>>

Bruce - as we discussed last week, the following are the points I need to hear back from you on after you talk to your clients today:

-- whether you will identify which specific debts form the basis for the SS-Japan/SS-USA's creditor status in each of the cases  
-- whether you will identify the unpaid balances due on the debts at the time of closing with KG and produce the documents from which you determined the unpaid balances. It would also be helpful if you can tie the specific debts to those listed in the Supplement to the Loan Purchase Agreement.

-- whether you will produce South Wind's due diligence materials that preceded the Loan Purchase Agreement and Supplement to LPA

-- whether you will make South Wind witnesses available in a 30(b)(6) deposition of plaintiff(s)

-- whether you will make Trustee Tahara and/or Deputy Trustee Kimura available in a 30(b)(6) deposition of plaintiff(s)

I hope to also hear from you generally on the other issues discussed at the discovery conference on March 16.

KG has agreed not to seek relief under Rule 37 pending the results of today's call. I hope we can dispense with discovery motions altogether.

I look forward to hearing from you tomorrow.

Regards,  
Bob

EXHIBIT 9